IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN

AT JAIPUR BENCH, JAIPUR

O R D E R

S.B. Civil Second Appeal No.363 Of 2006

Radhey Shyam Vs. Smt. Savitri Devi

Date Of Order ::: 21.11.2006.

Hon'ble Mr. Narendra Kumar Jain J.

Mr. J.S. Chauhan, Counsel for defendant-appellant
Mr. Raunak Singhvi, Counsel for plaintiff-respondent

By the Court :

Heard learned counsel for both the parties.

Learned counsel for the defendant-appellant, on instructions of his client, does not press this second appeal on merits and prays for grant of some reasonable time for handing over the vacant and peaceful possession of the rented premises.

Learned counsel for the plaintiff-respondent, on instructions of his client, does not not object about the grant of some reasonable time for handing

over the vacant and peaceful possession of the rented premises.

Both the parties agree to dispose off this second appeal on the following terms and conditions :-

1. The defendant-appellant undertakes to hand-over the vacant and peaceful possession of the suit premises, in dispute to the plaintiff respondent on or before 31.12.2007. The plaintiff respondent shall not execute the impugned decree till 31.12.2007.

2. The defendant-appellant undertakes to pay or deposit the entire arrears of mesne profit, if any within a period of one month from today and will further continue to pay the monthly mesne profit by 15th day of the next succeeding month or in advance to the plaintiff respondent.

3. The defendant-appellant further undertakes that he shall not sub-let, assign or part with the possession of the suit premises or any part thereof in favour of any one else and would not create any third party interest in the same during the aforesaid period.

4. The defendant-appellant shall furnishes a written undertaking incorporating the aforesaid conditions in the Lower Court within a period of four weeks from today.

5. The plaintiff-respondent shall furnish her bank account to the defendant-appellant or his counsel within a period of two weeks from today. In case, the details of the bank account are furnished by the plaintiff-respondent then

the defendant-appellant is directed to deposit the amount of all arrears as well as future mesne profits in the said bank account of the plaintiff-respondents In case the details of the bank account are not furnished by the plaintiff-respondent then it will be open for the defendant-appellant to deposit the amount, as directed above, in the lower Court itself.

It is made clear that in case, the defendant appellant does not comply with any of the aforesaid conditions, then it will be open for the plaintiff respondent to get decree passed in her favour executed even before the aforesaid date and to initiate contempt proceedings in this Court.

With the aforesaid terms, conditions and directions, the second appeal is accordingly dismissed as not pressed.

(Narendra Kumar Jain) J.